

# An Act

ENROLLED SENATE  
BILL NO. 1788

By: Bingman and Sharp of the  
Senate

and

Osborn and Hickman of the  
House

An Act relating to optometry; amending 59 O.S. 2011, Section 588, which relates to practice by unauthorized persons; providing penalties for unlicensed practice of optometry; providing certain exceptions; authorizing the Board of Examiners in Optometry to enforce certain orders; directing deposit of certain penalties; and providing an effective date.

SUBJECT: Optometry

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 588, is amended to read as follows:

Section 588. A. No person shall practice optometry in this state or make any tests or measurements of the human eye for diagnostic purposes unless said person has been issued a certificate pursuant to the provisions of Section 584 of this title or is a physician or surgeon authorized to practice medicine in this state. No person shall impersonate a registered optometrist. No person shall buy, sell or obtain in any manner a certificate of registration or exemption issued to another. Practicing or offering to practice optometry, or the public representation of being qualified to practice optometry, by any person not authorized to

practice optometry shall be sufficient evidence of the violation of the provisions of Sections 581 through 604 of this title. No optometrist shall aid or abet any person not authorized to practice optometry in this state to practice optometry. Any person who violates any of the provisions of Sections 581 through 604 of this title shall be deemed guilty of a misdemeanor, and upon conviction for each offense, shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail not less than thirty (30) days, nor more than ninety (90) days, or by both ~~said~~ fine and imprisonment.

B. In addition to the criminal penalties prescribed above, any natural person, partnership, or business entity, found by a preponderance of the evidence to have practiced optometry within the State of Oklahoma without a currently valid license or certificate issued by the Board, or to have dispensed, supplied, fitted, adjusted, adapted, or in any manner applied contact lenses to the eyes of a person whether or not those contact lenses are designed to aid or correct human vision or have no prescription power or are cosmetic contact lenses, without a full contact lens prescription issued by a person licensed pursuant to Chapter 11, Chapter 13 or Chapter 14 of this title, shall, after notice and an opportunity to be heard pursuant to the Board's rules and Article II of the Administrative Procedures Act, be liable for a civil administrative penalty of at least One Hundred Dollars (\$100.00) but not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each instance of unlicensed practice of optometry. This provision shall not apply to any duly-licensed physician authorized to practice medicine and/or surgery under the laws of the State of Oklahoma and any business entity authorized to practice medicine or optometry in the State of Oklahoma. Any administrative order or settlement agreement imposing a civil administrative penalty pursuant to this section may be enforced in the same manner as civil judgments in this state. The Board may file an application to enforce an administrative order or settlement agreement in the district court of Oklahoma County. Any person aggrieved by a final agency order of the Board may obtain judicial review in accordance with the Oklahoma Administrative Procedures Act. All money received as civil administrative penalties shall be placed in the operational account of the Board.

B- C. Nothing in the provisions of Sections 581 through 604 of this title shall prohibit the performance of routine visual

screening by a person not licensed to practice optometry in this state. Nothing in this section shall prohibit an optometry student officially enrolled in a college of optometry which is approved by the State Regents for Higher Education from performing educational functions within the institution or prohibit an instructor in such optometry college from practicing optometry so long as such practitioner is licensed in any state and his or her practice is limited to instruction of optometry students in an accredited Oklahoma college of optometry or state or federal hospital which is utilized as a teaching institution for students of optometry, provided such instructor has been issued a temporary license by the Oklahoma Board of Examiners in Optometry.

SECTION 2. This act shall become effective November 1, 2014.

Passed the Senate the 19th day of February, 2014.

A Bruce Martlett  
Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2014.

Gene Sels  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16<sup>th</sup>  
day of April, 20 14, at 4:56 o'clock P M.

By: Audrey Redwell

Approved by the Governor of the State of Oklahoma this 22<sup>nd</sup>  
day of April, 20 14, at 3:20 o'clock P M.

Mary Fallin  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22<sup>nd</sup>  
day of April, 20 14, at 4:17 o'clock P M.

By: Cheri Beauge